


Nepotism

	Louisiana Department of Health (LDH)	
	Policy Number	41.1
	Content	Provides that no immediate family member of an agency head shall be employed in that agency
	Effective Date	February 25, 2000
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If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

I. POLICY STATEMENT

It shall be the policy of The Louisiana Department of Health (LDH) to conform to the provisions of the uniform Code of Governmental Ethics, R.S. 42:1101 et seq. (hereafter referred to as the Code), which became effective on April 1, 1980 with regard to nepotism within the Department. The Code provides that "No member of the immediate family of an agency head shall be employed in his agency".¹

In accordance with the definitions provided below, it shall be a policy that no member of the immediate family of the Secretary of LDH shall be employed within LDH; no member of the immediate family of an Assistant Secretary may be employed within his/her Office; and no member of the immediate family of an agency head, facility administrator, division director, section head or supervisor of any other organizational work unit may be employed in the

organizational work unit over which he/she has direct line supervision, unless the employment of such individual qualifies for exception as specified by the Code.

¹ La. R. S. 42:1119

II. DEFINITIONS

In accordance with R.S. 42:1102, the following words and terms shall have the following meanings:

- A. "Agency" means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this Chapter, "agency of the public servant" and "his agency" when used in reference to the agency of a public servant shall mean:
 - i. For public servants in the twenty principal departments of the executive branch of state government, the office in which such public servant carries out his primary responsibilities; except that in the case of the secretary, deputy secretary, or undersecretary of any such department and officials carrying out the responsibilities of such department officers it shall mean the department in which he serves; and except that in the case of public servants who are members or employees of a board or commission or who provide staff assistance to a board or commission, it shall mean the board or commission.

"Agency head" means the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.

"Immediate family" as the term relates to a public servant means his children, the spouses of his children, his brothers, and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

III. APPLICABILITY

This policy shall be applicable to all offices and employees of LDH.

IV. IMPLEMENTATION

This policy replaces the Nepotism Policy issued by the former Louisiana Department of Health and Hospitals to conform to the nepotism provisions in the Code of Governmental Ethics of April 1, 1980, **revised by Act 851 of the 1999 Regular Session**. This revision shall become effective on February 25, 2000.

V. RESPONSIBILITIES

The Secretary and appointing authorities for each office, agency, facility, division, section or other organizational work unit shall be responsible for the administration of this policy for all employees under their supervision. Violation of this policy by an appointing authority may subject that individual to disciplinary action by the Commission on Ethics for Public Employees. "Appointing authority" means an officer or employee authorized by statute or by lawfully delegated authority to make appointments to positions in the State Service.

VI. PROVISIONS AND EXCEPTIONS

In the event that any supervisory/subordinate working relationships existed between immediate family members on the effective date of the Code of Governmental Ethics (4-1-80), no change will be required, nor will the relationship hinder the normal promotional advancements in public employment for such employees.

Should any supervisory/subordinate relationship between family members have been created since April 1, 1980 which might be prohibited by the Code and/or this policy, the conditions under which the working relationship was created must be reported to the Secretary in writing along with a request for a determination as to whether the working relationship should be permitted to continue in effect. Usually, if the subordinate employee had been in his/her position for at least one year prior to the promotion of the family member to the supervisory position, the working relationship would not be affected.

Further, should the proposed future promotion of an employee result in a supervisory/subordinate relationship between immediate family members which would ordinarily be prohibited by the Code or this policy, such situation must be reported to the Secretary of LDH for a determination as to whether the appointment and resultant working relationship would meet the conditions for an exception under the Code, prior to making such an appointment. Again, if the subordinate employee has been in his/her position for at least one year prior to the promotion of the family member, the promotion may be permissible under the Code.

Exceptions are statutorily provided in the Code and may be granted only in accordance with those provisions as determined by the Commission on Ethics for Public Employees. Any exceptions shall be based upon the effective date of the action which created the working relationship and/or length of service in the position occupied by the subordinate employee involved. Reports and requests for determinations/exceptions should be routed to the Secretary through the Division of Human Resources, Training & Staff Development of the Office of Management and Finance.

VII. RECUSAL

In any case in which an agency head does supervise a member of his/her immediate family and such working relationship is permitted under the Code the agency head/supervisor shall recuse himself/herself from any decisions involving the subordinate's pay, performance evaluations or promotion. Such transactions must be referred to a higher level direct line supervisor for decision or approval.

VIII. SEVERANCE OF SUPERVISORY/SUBORDINATE RELATIONSHIP

Should any supervisory/subordinate relationship have to be severed under the provisions of the Code (as determined by the Commission on Ethics For Public Employees), it shall be accomplished as follows:

- A. In accordance with an order or directive from the Commission On Ethics For Public Employees specifying how the relationship shall be terminated; or
- B. The last employee appointed which created the impermissible working relationship must be assigned to a different work unit or otherwise removed from his/her position, unless by mutual consent, the other party agrees to be moved.

IX. REVISION HISTORY

Date	Revision
October 8, 1990	Policy created
February 25, 2000	Policy revised
September 24, 2019	Housekeeping change (Section I and Section IV)